

REMARKS

The Official Action mailed August 4, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

THIRD REQUEST: The Applicant notes the *partial* consideration of the Information Disclosure Statement filed on March 29, 2006. Specifically, it appears that the Examiner inadvertently overlooked the citation of the "International Search Report of November 22, 2004 for PCT/JP2004/014762." A copy of the partially considered Form PTO-1449 is available in the Image File Wrapper under the heading, "List of References cited by applicant and considered by examiner" (2 pages) and has a mail room date of "06-23-2008." Despite two earlier requests, the Examiner still has not addressed the matter. The Applicant respectfully requests that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the above-referenced "International Search Report."

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on October 17, 2006; March 3, 2008; and August 28, 2008.

Further Information Disclosure Statements were submitted on September 16, 2009; October 8, 2009; and October 23, 2009; and consideration of these Information Disclosure Statements is respectfully requested.

Claims 1-4, 7, 9-12 and 21 are pending in the present application, of which claims 1 and 21 are independent. Claims 1 and 21 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1-4, 10-12 and 21 as obvious based on the combination of EP 1 106 968 to Mannesmann and U.S. Publication No. 2002/0004700 to Klein. The Official Action rejects claims 7 and 9 as obvious based on the combination of Mannesmann, Klein, U.S. Publication No. 2001/0029429 to Katayama

and U.S. Patent No. 6,049,754 to Beaton. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 1 and 21 have been amended to recite a unit (or step of) for adding a new route point to the route pattern such that, when a route point at which the user arrives at a time earlier than the guide time as a route point condition is present in a route pattern, the user arrives at the route point at the guide time by searching for a genre, a stay time of which coincides with an adjustment time for said time earlier in a route point condition table for genre including genre name data, guide time data and stay time data and a route point that is on a guide route between a start point and a route point with too early arrival time is searched in a proposed route point data base, including genre data indicating a genre of

the facility in the proposed route point, which matches the genre data of the genre found in the route point condition table for genre. The above-mentioned features of the present invention are supported, at least, by page 45, lines 8 to 27, and by page 48, lines 23 to 28. It is respectfully submitted that Mannesmann, Klein, Katayama and Beaton, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

Since Mannesmann, Klein, Katayama and Beaton do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789